

CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 22nd January, 2009, starting at 6.35 pm.

Present: The Lord Mayor (Cllr Brian Watson) in the Chair, and the following Councillors:

ACOMB WARD	BISHOPTHORPE WARD
Horton Simpson-Laing	Galvin
CLIFTON WARD	DERWENT WARD
King Scott	Brooks
DRINGHOUSES & WOODTHORPE WARD	FISHERGATE WARD
Holvey Reid Sunderland	D'Agorne Taylor
FULFORD WARD	GUILDHALL WARD
Aspden	Looker
HAXBY & WIGGINTON WARD	HESLINGTON WARD
Firth Hogg R Watson	Jamieson-Ball
HEWORTH WARD	HEWORTH WITHOUT WARD
Blanchard Funnell Potter	
HOLGATE WARD	HULL ROAD WARD
Alexander Bowgett Crisp	Cregan Pierce

HUNTINGTON & NEW EARSWICK
WARD

Hyman
Orrell
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Morley

RURAL WEST YORK WARD

Gillies
Healey
Hudson

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

Moore
Watt
Waudby

STRENSALL WARD

Kirk
Wiseman

WESTFIELD WARD

Steve Galloway
Sue Galloway
Waller

WHELDRAKE WARD

Vassie

Apologies for absence were received from Councillor Douglas. Cllr Holvey arrived late and was present only from item 7 (Minute 58) onwards.

52. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllrs Aspden, Funnell, Sue Galloway, Gunnell, Horton, Orrell, Pierce, Potter, Runciman, Sunderland and Waller each declared a personal and prejudicial interest in respect of the recommendation contained in Minute 148 of the Executive meeting on 12 December 2008 at item 6 on the agenda (Minute 57 refers), as members of the York Credit Union (YCU). Cllr Looker declared a personal and prejudicial interest in the same item, as a Director of the YCU. These Members all left the room during consideration of that recommendation and took no part in the discussion or decision thereon.

Cllrs Cregan, Horton and King each declared a personal and prejudicial interest in the Notice of Motion on the national concessionary fares scheme at item 14(i) on the agenda (Minute 65 refers), as recipients of a bus pass. They left the room during consideration of that motion and took no part in the discussion or decision thereon.

Cllr Galvin declared a personal interest in both of the above items, as a member of the YCU and a recipient of a bus pass, stating that he had received legal advice indicating that his interest was not prejudicial.

Cllr Gillies also declared a personal, non prejudicial interest in the Motion on national concessionary fares, as the recipient of a bus pass.

53. MINUTES

RESOLVED: That the minutes of the Council meeting held on 27 November 2008 be approved and signed by the Chair as a correct record.

54. CIVIC ANNOUNCEMENTS AND LORD MAYOR ELECT

The Lord Mayor announced the receipt of the following gifts, which were on view in the Council Chamber:

- An original document recording the signing of the Universal Declaration of Human Rights by York community leaders and representatives in 2008
- A Yorkshire Flag, presented to the City by the Ridings Association.

The Lord Mayor then announced the imminent departure of Terry Collins, Director of Neighbourhood Services, who would be leaving City of York Council on 30 January 2009 to take up the post of Corporate Director of Neighbourhoods at the new Durham County Unitary Council. On behalf of himself and all Members, the Lord Mayor placed on record Council's thanks to Terry for his contribution during his time at York.

Finally, The Lord Mayor invited Cllr Gillies to nominate the Lord Mayor Elect for the Municipal Year 2009/10. Cllr Gillies nominated, and Cllr Waller seconded, Cllr John Galvin as the Lord Mayor Elect and this nomination was unanimously agreed. Cllr Galvin replied that he would be honoured to accept this office and nominated Mrs Jill Burnett as Sheriff for the 2009/10 Municipal Year.¹

55. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

56. PETITIONS

The following petitions were presented by Members under Standing Order 7:

- (i) Cllr Gunnell, on behalf of residents calling for improvements to the no. 11 bus service for the South Bank / Bishopthorpe Road areas and Micklegate Ward generally.¹
- (ii) Cllr Potter, on behalf of local residents calling for the completion of the James Street Link Road between Heworth Green and James Street.²
- (iii) Cllr Potter, on behalf of residents supporting the introduction of a 20 mph speed limit throughout the City in residential areas.³
- (iv) Cllr Simpson-Laing – on behalf of local residents regarding the extension of yellow lines on Iver Close.⁴
- (v) Cllr Simpson-Laing, on behalf of residents of Sovereign Park seeking a rebate of and reduction in Council Tax.⁵
- (vi) Cllr Reid, on behalf of residents requesting the closure of the snicket between Moor Lane Bridge and Old Moor Lane.⁶
- (vii) Cllr D'Agorne, on behalf of residents calling for a 20 mph speed limit for residential streets in the South Bank area of the City.⁷

It was noted that the petition to be presented by Cllr Bowgett on 'rat running' in Grantham Drive was not yet available and would be presented at a future meeting.

RESOLVED: That the above petitions be referred to the Executive or appropriate committee.¹⁻⁷

Action Required

- 1. Refer petition to Executive / appropriate committee and schedule on Forward Plan SS
- 2. Refer petition to Executive / appropriate committee and SS

schedule on Forward Plan	
3. Refer petition to Executive / appropriate committee and schedule on Forward Plan	SS
4. Refer petition to Executive / appropriate committee and schedule on Forward Plan	SS
5. Refer petition to Executive / appropriate committee and schedule on Forward Plan	SA
6. Refer petition to Executive / appropriate committee and schedule on Forward Plan	SS
7. Refer petition to Executive / appropriate committee and schedule on Forward Plan	SS

57. REPORT OF EXECUTIVE LEADER AND EXECUTIVE RECOMMENDATIONS

A written report was received from the Leader, Cllr Andrew Waller, on the work of the Executive.

In commenting on the Leader's written report, Cllrs Scott and Gillies both expressed their thanks to Terry Collins, the outgoing Director of Neighbourhood Services, on behalf of themselves and their respective Groups, and asked that this be recorded.

Members then considered the minutes requiring confirmation from the Executive meeting held on 23 December 2008, as set out below.

Minute 146 - Web Casting of Council Meetings

Cllr Waller moved, and Cllr Runciman seconded, the following recommendation contained in Minute 146 of the Executive minutes:

"That, should Council wish to proceed with this option, then the funding for the capital works be taken from the Council's reserves and that any ongoing funding requirements should represent a growth bid against the 2009/10 revenue budget."

Cllr Scott then moved, and Cllr Alexander seconded, an amendment to the above recommendation, as follows:

"In line 1, delete the words '*should Council wish*' and replace with '*Council wishes*'. After the word '*option*', delete the words '*then the*' and replace with '*and agrees that*'. After the words '*funding requirements*', delete the words '*should represent*' and replace with '*are submitted as*'."

On being put to the vote, the amendment was declared LOST.

The original recommendation was then put to the vote and declared CARRIED and it was

RESOLVED: That the recommendation contained in Minute 146 of the minutes of the Executive meeting held on 23 December 2008 be approved.¹

Minute 148 - Granting a Loan to an Outside Body (York Credit Union)

Cllr Steve Galloway moved, and Cllr Moore seconded, the following recommendations contained in Minute 148 of the Executive minutes:

- “(i) That a loan not exceeding £100,000 - if possible structured so that the first £52,000 is a preferential loan with the remainder to be classified as a subordinated loan - be made to the York Credit Union to enable them to provide loans to their members during the present difficult economic situation. The loan interest to be calculated at the current rate being obtained by the Council on its other investments.²

- (ii) That Council seek the agreement of the Credit Union to the appointment of a member of staff from the Council’s Resources department to its Executive Board, in order to allow the Council to maintain a check on the financial position of the Credit Union, or by

Following a debate on the recommendations, and questions as to the intended purpose of recommendation (ii) above, Cllr Steve Galloway sought leave to alter that recommendation to read as follows:

“That Council maintain a check on the financial position of the York Credit Union by such means as are acceptable to the Director of Resources.”²

Council having agreed to that alteration, the altered recommendations were then put to the vote and declared CARRIED and it was

RESOLVED: That the recommendations contained in Minute 148 of the minutes of the Executive meeting held on 23 December 2008 be approved, subject to the alteration agreed to Recommendation (ii), as recorded above.²

Minute 145 – Corporate Efficiency Programme & Efficiency Reviews

Cllr Steve Galloway moved, and Cllr Runciman seconded, the recommendations contained in Minute 145 of the Executive minutes, with regard to taking forward the reviews in the Corporate Efficiency Programme and transferring funds for those reviews to the Efficiency Reserve.

On being put to the vote, the recommendations were declared CARRIED and it was

RESOLVED: That the recommendations contained in Minute 145 of the minutes of the Executive meeting held on 23 December 2008 be approved.³

Action Required

- | | |
|--------------------------------------------------------------------------------------------------------|----|
| 1. Prepare a growth bid for the Web Casting option previously agreed by Council | DS |
| 2. Make arrangements to loan the agreed sum to YCU and to maintain a check on YCU's financial position | SA |
| 3. Take forward the reviews as agreed and transfer the agreed sum (£125k) to the Efficiency Reserve | SA |

58. RECOMMENDATIONS OF THE AUDIT AND GOVERNANCE COMMITTEE

Members considered the minutes requiring confirmation from the Audit and Governance Committee meeting held on 13 January 2009, as set out below.

Minute 37 – Proposed Change to the Council’s Constitution Regarding Petitions

Cllr Pierce moved, and Cllr Brooks seconded, the following recommendation contained in Minute 37 of the Audit and Governance Committee minutes:

“That Option 1 be agreed and that Standing Order 7 be amended to provide for ‘residents to initiate a debate at Full Council upon any issue touching and concerning the City of York where a minimum of 1,000 residents petition’.”

Cllr Aspden then moved, and Cllr Holvey seconded, an amendment to the above recommendation, as follows:

“In line 2, after the words ‘Full Council’, insert the words ‘following the receipt of a petition’ ... At the end of the paragraph, delete the word ‘petition’ and replace with ‘on the electoral roll of the City of York sign such a petition’.”

On being put to the vote, the amendment was declared LOST.

Following a debate as to whether the original recommendation should be revised to include business rate payers and / or young people, Cllr Jamieson-Ball then moved, and Cllr Runciman seconded, that Standing Orders be suspended to enable the matter to be referred back to the Audit and Governance Committee for further consideration.

On being put to the vote, the motion to suspend Standing Orders was declared CARRIED.

Standing Orders having been suspended, Cllr Jamieson-Ball moved, and Cllr Runciman seconded, that the recommendation be referred back to the Audit and Governance Committee for further consideration.

The motion to refer back was then put to the vote and declared CARRIED and it was

RESOLVED: That the recommendation in Minute 37 be referred back to the Audit and Governance Committee for them to consider the

matter further in the light of the debate this evening and to make a new recommendation to Council.¹

Minute 38 – The Audit of the Financial Statements 2007/08 – A Progress Report

Cllr Pierce moved, and Cllr Brooks seconded, the following recommendation contained in Minute 38 Audit and Governance Committee minutes:

“That authority be given to the Audit and Governance Committee to approve the Statement of Accounts and the Annual Governance Statement.”

On being put to the vote, the recommendation was declared CARRIED and it was

RESOLVED: That the recommendation contained in Minute 38 of the minutes of the Audit and Governance Committee meeting held on 13 January 2009 be approved.²

Action Required

- | | |
|------------------------------------------------------------------------------------------------|----|
| 1. Prepare report for next meeting of the Audit & Governance Committee to consider this matter | GR |
| 2. Amend the Council's Constitution to reflect the agreed change | GR |

59. SCRUTINY - REPORT OF THE CHAIR OF THE SCRUTINY MANAGEMENT COMMITTEE

A written report was received from Cllr John Galvin, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC since the last report to Council, on 27 November 2008. The report included a recommendation arising from the advice of the Working Group set up to consider the new Scrutiny structure, which would be formally moved in due course.

The Lord Mayor then announced that notice had been received of three amendments to the motion to be moved on the Scrutiny structure, one of which had been ruled out of order under Standing Order 15.3.6, on the grounds that it was the second amendment to be submitted by the same Member, namely Cllr D'Agorne.

Cllr Waller then moved, and Cllr Runciman seconded, that Standing Orders 12.5 and 15.3.2 be suspended to enable him to propose an amendment outside the time limits set down in those Standing Orders, in the same terms as the amendment ruled out of order.

On being put to the vote, the motion to suspend Standing Orders was declared LOST.

Cllr Galvin then moved, and Cllr Pierce seconded, the following recommendation to Council, contained in paragraph 17 of his report, arising from the advice of the Working Group set up to consider the detailed implementation of the new scrutiny structure agreed by Council at the last meeting (Minute 45 refers):

“That the role of the SMC and functions common to all standing scrutiny committees as set out in Annex A be approved and that Council consider which model (A or B) it wishes to adopt as the basis for the standing scrutiny committees, in line with the previously agreed changes to the scrutiny structure.”

Cllr D’Agorne then moved, and Cllr Taylor seconded, the **first amendment** to the above motion, as follows:

“At the start of the second sentence after the words ‘And, that’, delete the words ‘Council considers which model (A or B) it wishes to adopt’ and replace with ‘*Council adopts Model A*’ At the end of the motion, add the following words ‘*and subject to:*’

- *further consultation taking place with the group leaders and chief officers on the precise remit of each Committee;*
- *no loss of provision for the public to access relevant reports and make representations in advance of a decision, nor in their ability to participate at the point of decision making.”*

Cllr Scott then moved and Cllr Looker seconded, the **second amendment** to the above motion, as follows:

At the start of the second sentence after the words ‘and that’, delete the words ‘Council considers which model (A or B) it wishes to adopt’ and replace with ‘*Council adopts Model B*’.

The above amendments were then put to the vote as alternatives, with Members being asked in respect of each to vote for or against the amendment, or to abstain. The results of the votes were as follows:

Amendment 1 - 21 in favour, 24 against, 1 abstention. Declared LOST.

Amendment 2 – 24 in favour, 21 against, 1 abstention. Declared CARRIED.

The motion, as amended, now read as follows:

“That the role of SMC and functions common to all standing scrutiny committees as set out in Annex A, be approved, and that Council adopts Model B as the basis for the standing scrutiny committees, in line with the previously agreed changes to the scrutiny structure.”

On being put to the vote the motion, as amended, was declared CARRIED and it was

RESOLVED: That the above motion, as amended, be approved. ¹

Action Required

1. Make the agreed changes to the Council's Constitution and decision-making structure GR

60. HOLOCAUST MEMORIAL DAY

Cllr Waller moved, and Cllr Crisp seconded, the recommendation contained in a report at page 43 of the Council papers, prepared by the Head of Civic, Democratic and Legal Services, in response to a motion approved at the last meeting of Full Council (Minute 43 (iv) refers).

On being put to the vote, the motion was declared CARRIED and it was

RESOLVED: That the recommendation in the report be approved and that Holocaust Memorial Day be incorporated as an annual event in within the Civic Calendar, subject to sufficient resources, as identified in the report, being provided for that purpose within the budget process for the relevant year.¹

Action Required

1. Make appropriate arrangements to include HMD in the Civic Calendar GR

61. ALLOCATION OF LOCAL CHOICE FUNCTION – APPROVAL OF LOCAL AREA AGREEMENT

Cllr Waller moved, and Cllr Runciman seconded, the following recommendation contained in a report of the Head of Civic, Democratic and Legal Services at page 47 of the Council papers:

“That Full Council allocate to the Executive the functions relating to the Local Area Agreement, as listed in paragraph 22, Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.”

On being put to the vote, the motion was declared LOST and it was

RESOLVED: That the recommendation not be approved.

62. REPORT OF EXECUTIVE MEMBER

A written report was received from Cllr Steve Galloway, the Executive Member for City Strategy.

Notice had been received of twelve questions on the report, submitted by Members in accordance with Standing Orders.

The first seven questions were put and answered as follows:

(i) From Cllr Bowgett:

“Can the Executive Member for City Strategy please outline the date he was first aware that First had applied to cease the current No 16 bus service and replace it with an extension of the No 5 service?”

The Executive Member replied:

“On the 8th January 2009.”

(ii) From Cllr Potter:

“Would the Executive Member for City Strategy agree that it is bad news for York residents that First have unilaterally withdrawn the concession which allowed weekly/monthly tickets purchased for use on Park and Ride Services to be used from & to intermediate stops? And will you join with me in making further representations on this issue to First?”

The Executive Member replied:

“Yes. I am already making representations on the issue; however, we have no statutory powers to intervene.”

(iii) From Cllr Funnell:

“Would the Executive Member for City Strategy inform Council of when exactly he knew that First were cutting the 13 bus service and hiding it behind renumbering the number 16 service?”

The Executive Member replied:

“I am told that First registered changes to their commercial services on 8th January.”

(iv) From Cllr D’Agorne:

“Having seen the ‘competition’ from other bids to the Regional Transport Board, how does the Executive Member expect the Access York Phase 2 bid to fare when set against other more imaginative ‘greener’ project proposals from around the region?”

The Executive Member replied:

“Consultants acting on behalf of the Regional Assembly have prioritised the bids based on a formulae which takes into account various parameters. These do include environmental impact but also give a strong weighting to other factors such as the effect that the scheme would have on economic prosperity and its ability to reduce accident levels.

The Access York phase 2 bid will be ranked towards the top of the list of schemes based on this criteria but, as over £3Bn of bids have been received, and the available resources amount to only £300 million in total for the region, it follows that most bids will not be successful.”

- (v) From Cllr Bowgett:
“Why did the Executive Member for City Strategy not inform Holgate Councillors that the number 16 bus service was being removed and replaced by number 5?”

The Executive Member replied:

“It is not for me to so inform you. These are commercially registered services and First are free to change them having given the appropriate notice. The change of service number actually makes little practical difference to the service within the Holgate Ward.”

In response to supplementary questions, the Executive Member confirmed that he was aware of the possibility of changes to bus routes but was surprised that the changes had been made so quickly following the Christmas break. He indicated that knowledge of the change would not have affected the final decision on the Holly Bank traffic regulations at the SMC and Executive (Calling In) meetings on 5 and 6 January.

- (vi) From Cllr D’Agorne:
“Have First been challenged to justify their fares increases through the Quality Bus Partnership? Are you satisfied with their approach to child and full time student fares?”

The Executive Member replied:

“The bus partnership includes all bus companies operating in the area. Not surprisingly they are not willing to discuss issues of commercial confidentiality in front of their competitors.

There is a disappointing reluctance on behalf of many bus operators to provide extended discount fares for young people. A report on the proposed 16-19 Yozone is expected shortly. I fear that operators will only contemplate it on a full recharge of costs basis which could make it unaffordable for the Council.”

- (vii) From Cllr Crisp:
“Will the Executive Member for City Strategy explain why the relevant Ward members of Holgate and Heworth not involved or given information about the proposed changes to bus services before they were advertised?”

The Executive Member replied:

“I understand that officers may have had a few days prior notice of the changes which were to be registered. They did not pass this information on to Members but I will ask them to do so, if possible, in future.”

The time limit having expired on this item, Members agreed to receive written responses to the remaining questions, which are reproduced below together with the written responses:

- (viii) From Cllr Alexander:
“Can the Executive Member for City Strategy explain why he did not make local residents aware that there were proposals to change

services across the City so that they could make representation to the Vehicle and Operator Services Agency?"

Reply:

"It is assumed that Cllr Alexander is referring to 'bus' services?"

It is simply not practical to make such information available to all residents. A prominent article about the changes was, however, carried in The Press.

The Vehicle and Operator Services Agency (VOSA) have no power to influence or force First or any other operator to deliver bus routes/schedules, etc. VOSA are responsible for ensuring that bus operators meet engineering and maintenance standards. They have the power to revoke operating licences (or insist that individual buses are taken off the road) if these standards are not adhered to."

(ix) From Cllr Horton:

"Can the Executive Member for City Strategy report how much money has the Council spent repairing footpaths and roads due to damage done by the FTR?"

Reply:

"Information on damage to roads and pavements is not available by the type of vehicle which may be judged to be responsible."

(x) From Cllr Merrett:

"Regarding the performance indicators for his service area (mentioned in Line 14), would he comment on his failure to increase bus usage by the key working age population in the City, indicated by a circa 12 and a half per cent plus decline in non-concessionary (i.e. fare paying) bus passenger usage over the last two years?"

Reply:

"I think that Cllr Merrett is presumptuous in his description of the working age population. Many over 60's have at least part time jobs and now enjoy free travel to and from their places of work (after 9:00am).

Bus usage in the City has show strong growth over the last 6 years.

Over the last two years "all" passengers have increased by 2.5%. The issue is that more people are travelling by bus and it is just a change in the way that they pay because in 2005/6 they were fare paying and now are not. (ie in 2005/6 an eligible passenger paid half fare, in 2007/8 the same passenger paid nothing). The reason the fare paying passenger numbers are reducing is also because the concessionary pass has become more attractive than the tokens and so there has been a further transfer away from fares to concessions. (ie in 2005/6 token users were fare paying passengers in 2007/8 they had transferred to passes)

The spectacular growth in Park and Ride usage is one of the main reasons why stage carriage growth is likely to be more modest in future.

Stage carriage use was always likely to plateau. Growth should re-commence when we are able to improve journey times and address

the need for more orbital services. Releasing more road space in inner York for public transport is an important by product of the Access York phase 2 capital bid.”

(xi) From Cllr Potter:

“In the light of his failing public transport policy, and the misleading comment in line 40/41 of his report, why is he unwilling to take up the important new powers that the government has given (including over fare levels) in the 2008 Act?”

Reply:

“The Act has just received Royal Assent. The Council is awaiting guidance from the DfT to understand how the Act can be implemented and what the implications are.”

(xii) From Cllr Merrett:

“Regarding the performance indicators for his service area (mentioned in Line 14), would he explain the reversal of the previous decline in the Indicator 7A (Mandatory Indicator LTP8): Air Quality Indicator - Mean of all annual average NO₂ concentrations measured within AQMA no greater than 30µg/m³, which has shown an increase in the last two years, and will he advise what additional steps will be taken to ensure that residents in these areas can be assured of air quality within this health study based limit by the EU deadline year of 2011?”

“There are 40 Air Quality management areas in York. Generally trends in air quality in the City are favorable. While some work in hot spot areas like Fishergate may be necessary and are indeed subject to upcoming reports, the introduction of lower emission standards on vehicles is already playing a part in improving air quality and will help us to meet EU targets.

In setting the air quality target for LTP2 the emphasis has been placed on the need to demonstrate an ongoing year on year improvement in annual average nitrogen dioxide concentrations across the Air Quality Management Area (AQMA). This will ensure that the council remains on track to meet the 40ug/m³ health based objective level at all locations in the city. Please note that the LTP2 indicator target concentration of 30ug/m³ by 31st December 2011 is not the same as the legal air quality objective value of 40ug/m³.

For the purpose of setting a realistic but challenging air quality target for LTP2, 40 nitrogen dioxide diffusion tube monitoring locations have been identified across the AQMA. Annual average nitrogen dioxide concentrations for all 40 sites are calculated on a yearly basis, and the mean of these sites are reported every year in the Local Transport Plan (LTP) Progress Report.

Results in recent years

<i>Year</i>	<i>LTP2 Indicator 7A : Air Quality Mean of annual average NO₂ concentrations at 40 monitoring sites in the AQMA (ug/m³)</i>
<i>2002</i>	<i>46</i>

2003	41
2004	35
2005	33
2006	37
2007	38

It should be noted that no significant variance/increase was observed in LTP Indicator 7A between 2006 and 2007 (the most recent published statistic). However, a reversal in the previous decline in LTP Indicator 7A was observed between 2005 and 2006.

Certain weather conditions can facilitate the production of high levels of pollutants at ground level - unfavourable weather conditions may in part explain this reversal. Increased levels of traffic using the city centre / inner ring road could also be responsible. Information could be obtained from the transport planning unit's (TPU) city centre traffic counters to confirm if this is indeed the case. Increasing levels of long-stay, private car parking and around the city centre may also be a factor.

The most recent Air Quality Progress Report shows that, based on widespread monitoring across the city (not limited to just the LTP indicator diffusion tubes), there appears to have been a general improvement in nitrogen dioxide concentrations between 2000 and 2007. At most monitoring locations the highest concentrations recorded to date occurred in 2002 / 2003. The lowest concentrations were recorded after 2004. All real time monitoring within the current AQMA indicated a slight improvement in 2007 when compared with monitoring undertaken in 2006. In each of the five AQMA 'technical breach' areas there remain a number of sites where annual average nitrogen dioxide concentrations (as upper 95% confidence limits) remain above the 40mg/m³ annual average objective level. Due to the continued existence of these breaches no changes to the current AQMA 'technical breach' areas are proposed at this time, although some reduction in the size of the technical breach areas may become appropriate in the future.

Good progress has been made towards implementing the majority of measures within AQAP2. Key staff shortages during 2007 meant that a number of schemes have not progressed as quickly as anticipated. However, in 2008, a multidisciplinary air quality steering group was established to facilitate further air quality improvement in the city through the promotion of cleaner vehicles and alternative fuels, a low emission zone feasibility study and a freight transshipment centre(s)."

63. ACTIVITIES OF OUTSIDE BODIES

Minutes of the following meetings of outside bodies had been made available for Members to view on the Council's website:

- Without Walls Partnership – meeting on 19 November 2008
- Quality Bus Partnership – meeting on 11 December 2008

No questions had been submitted to representatives on the above bodies.

64. APPOINTMENTS AND CHANGES TO MEMBERSHIP

RESOLVED: That the appointments and changes to membership of committees, working groups and outside bodies set out in the revised list circulated around the Council Chamber (and attached as Annex 1 to these minutes) be approved.¹

Action Required

1. Make the agreed changes to the membership record and GR inform outside body contact

65. NOTICES OF MOTION

(i) National Concessionary Fares Scheme

It was moved by Cllr Steve Galloway and seconded by Cllr Reid that:

“Council notes the campaign being launched by the Local Government Association to ensure that the national concessionary fares scheme is fully funded by central government grant at individual local authority level.

Council further notes that in the case of the City of York Council for 2009/10 the difference, between the government grant announced for concessionary fares and the actual cost, could be as much as £1 million.

Council resolves to support the LGA campaign and instructs the Chief Executive to write to the LGA, together with the City’s 4 MPs, with details of the potential impact of the grant settlement on the City, its Council Tax level and public service standards.”¹

Cllr Potter then moved, and Cllr Bowgett seconded, an amendment to the above motion, as follows:

“In line 1 after the word ‘Council’, insert the following words: *‘welcomes the concessionary bus fare scheme that allows residents in York to have free bus travel and’* to continue ‘notes the campaign etc’.

Delete the second paragraph and replace with the following:

‘Council also notes that in 2003/05 £560k was received from central government for half price concessionary bus fares for older people. Council welcomes the additional £863k in 2006/07, £1,112k in 2008/09 and £1,975k in the next financial year for the very popular and extremely well used concessionary free bus travel for older people.’

In the third paragraph, after the words ‘City’s 4 MPs’, delete all and replace with the following:

‘to explain the unintended consequences of the scheme in those local authorities that are tourist destinations outlining the increased costs incurred due to increasing numbers of non-residents use of local bus services and requesting that the method of distribution be reviewed to

ensure that the resource available is redistributed to address this situation’.”

On being put to the vote, the amendment was declared LOST.

The original motion was then put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved. ¹

(ii) **The Barbican Auditorium**

It was moved by Cllr Looker and seconded by Cllr Crisp that:

“Council notes that:

- The Barbican auditorium has failed to hold any entertainment events since the agreement was entered into with Absolute Leisure and in fact has lost significant contracts such as the UK Snooker Championships, which had been such a successful part of the York scene, and a number of potential conference opportunities.
- There is still no start date for the proposed alterations and adaptations to the auditorium, which have received planning permission, and so consequently no clear idea as to when the venue will re-open for business.
- When the economic outlook is uncertain, it is imperative that the city maximises its opportunities for a wide variety of business opportunities and the loss of conference income and major entertainment events income are making York a less and less attractive destination for visitors and business clients.
- The building is falling into disrepair and is rapidly becoming a major eyesore both for residents and visitors to the city.
- Absolute Leisure has failed to meet set deadlines for the proposed refurbishment and the £3m deposit required to fulfill this.

Council recognises that:

- the current Liberal Democrat administration has failed to provide York residents with an entertainments programme as befits a city such as York.

Council recommends:

- That the Executive be requested to instruct Officers to cease all negotiations with Absolute Leisure and seek a new solution for the auditorium. ²

Council invites the Leader of the Council to take responsibility for this project and provide a written progress report at all future Full Council meetings until the Barbican Auditorium is in full operational usage.” ²

Cllr Vassie then moved, and Cllr Orrell seconded, an amendment to the above motion, as follows:

“At the end of the first bullet point, delete the words ‘*and a number of potential conference opportunities*’.

Delete the second bullet point and replace with the following:

- *'Absolute Leisure has failed to meet set deadlines for the proposed refurbishment and the £3 million deposit required to fulfill this, and the council has terminated the contract with Absolute Leisure'*

Delete the third bullet point and replace with the following:

- *'When the economic outlook is uncertain, it is imperative that the city maximises its opportunities for a variety of business opportunities and entertainment events to make York an attractive destination for visitors and business clients.'*

Delete the fourth bullet point and replace with the following:

- *'The building needs to be brought into a serviceable condition so that it can be used for holding events.'*

Delete the paragraphs headed *'Council recognises that etc'* and *'Council recommends that etc*'

On being put to the vote, the amendment was declared LOST.

The original motion was then put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.²

The guillotine fell at 10:05 pm and all the remaining business requiring a vote was moved, seconded and voted upon without debate.

(iii) The Barbican

It was moved by Cllr D'Agorne and seconded by Cllr Taylor that:

"Council notes:

- i) That it is now over 5 years since the closure of the Barbican, resulting in the loss of sports and swimming facilities in the area and the departure of the UK Snooker Championship from the city.
- ii) That Absolute Leisure has failed to comply with the legal agreement with the council by the deadline, meaning that the future of the auditorium is now in jeopardy, with further delay before it is brought back into public use.

Council condemns the repeated delays to the project and calls for the Executive to undertake an urgent thorough review of all options now open to the Council. This should include a re-examination of the potential for creating a trust to deliver sports, leisure facilities, entertainment and community use on the site."

On being put to the vote, the motion was declared LOST and it was

RESOLVED: That the above notice of motion not be approved.

(iv) **Provision of Swimming Facilities**

It was moved by Cllr Scott and seconded by Cllr King that:

“The City of York has two rivers and a number of other water courses, yet currently only has 2 public swimming pools with a total of only 12 swimming lanes for a population of over 186,000 people.

Council notes that:

- The Liberal Democrat administration promised a replacement pool for the Barbican.
- No site or funding so far have been identified for the third new city centre pool as agreed by Council.
- There has no planning permission, proposed start date for construction or opening date for that replacement pool.
- The city is devoid of council provided city centre leisure facilities.

Council recognises that:

- The current Liberal Democrat administration has failed to provide leisure facilities in the city.
- The City of York is already short of swimming facilities in the city and that the proportion of swimming lanes to residents is set to further deteriorate in future years as set out in recent council reports

Council calls on the Leader of the Council to report at all future Full Council meetings until public swimming provision has been replaced.”³

Cllr Vassie then moved, and Cllr Orrell seconded, an amendment to the above motion, as follows:

“After the words ‘water courses in line 1, delete the rest and replace with the following:

‘... and a variety of swimming pools, including Yearsley Pool, Edmund Wilson, Water World and other a variety of other pools.

Council notes that:

- *The Liberal Democrats have been working with York University to advance plans for a replacement pool to the Barbican*

Council recognises that:

- *The Liberal Democrat administration has invested in upgrading Yearsley Pool, greatly improving its energy efficiency, leading to considerable savings to the public purse, and that the revamped pool has welcomed a considerable increase in visitor numbers.*
- *The Liberal Democrat administration has commissioned the construction of a new public pool by the Oakland Schools site and that this project is on schedule for completion in the autumn of this year, replacing the aging Edmund Wilson Pool*
- *A history of under-funding by the previous Labour administration, including a Labour the plan to close Yearsley Pool altogether, has meant that the Liberal Democrat administration has had to show real commitment to preserve the future of swimming provision in this city.*

Council calls on the Leader of the Council to report at all future Full Council meetings the progress on completing the new pool at York High and the progress on plans to build a new pool with the university on Campus Three.”

On being put to the vote, the amendment was declared LOST.

The original motion was then put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.³

(v) Council Rent Increases

It was moved by Cllr Sue Galloway and seconded by Cllr Morley that:

“Council notes attempts by the Government to impose an average rent increase of 7.7% on Council tenants in the city for 2009/10 in order to reach rent convergence in 2011/12.

Council notes that it is now proposed that the convergence deadline is extended to 2023/24 (for 1 year only). Even with this extended deadline council rents in York would increase by an average 6% causing further potential financial pressures for those who do not qualify for rent rebates.

Council therefore calls for the end point for the convergence of Council rents to be further extended, to take account of the current economic situation and to give tenants more time to adjust their household budgets, and instructs the Chief Executive to write to the Secretary of State accordingly.”⁴

Cllr Simpson-Laing then moved, and Cllr Horton seconded, an amendment to the above motion, as follows:

“In line 1 above, after the words ‘Council notes’ insert ‘that Government recognised that Housing Association Tenants could pay up to 50% more rent than those in Council owned properties. To address this Government introduced a single formula for all social landlords in England which was introduced in April 2002 so that convergence could be reached by 2012. Change was to be made over a period of at least 10 years, be gradual and that in any one year weekly rent could not increase by more than the rate of inflation plus 0.5% plus £2 and that maximum ‘caps’ on formula were set’.

Then, start a new paragraph and continue but delete the words ‘Council notes attempts by the Government to impose’ and replace with *Council understands that for CYC to stay online for convergence, using those rules, that*After the words ‘average rent increase of 7.7%’, delete the word ‘on’ and replace with the words *‘would be required of’* . In line 3 of the same paragraph, after the word ‘reach’, insert the words *‘the original date of ‘* . Finally in this paragraph, add at the end these words *‘and that this would break capping levels’*.

In the second paragraph of the above motion, after the words 'Council notes that', insert '*the Government has recognised difficulties with the formula due to the inflation rate setting date of September 2008 and will allow Councils to reduce this years increase resulting in the final convergence end date being increased by 10 years to 2023/24*' Then, delete the words from 'it is now proposed that'upto and including 'Even with' and replace with '*However Council accepts that under current policy*'. Then, after the words 'extended deadline', delete the words 'Council rents in York'. In the same line, after the word 'increase', insert the words '*York rents*'. Next, after the words 'average 6% , insert the words '*this year and could cause*' and delete the words '*causing further*'.

Next, insert the following new paragraph:

'Council recognises that the Government is looking at the issue of rent convergence and 'pre-set guideline rent increases' as part of the 'Handling of the Housing Revenue Account Subsidy Determination 2009-1- and 2010-11 Consultation' which is due to Report in April 2009 and that CYC has made a submission to as part of the Northern Housing Consortium.'

Then, delete the final paragraph in the above motion, in full and replace with '*Council requests the Chief Executive write to the Secretary of State and asks that a further and late submission is accepted from the City of York Council requesting that:*

- *the convergence formulas 'September' calculation date is reviewed, due to the high inflation spike of September 2008 which has caused an anomaly in the 09/10 formula,*
- *a maximum ceiling is put on the formulas inflation percentage increase of 3% and that this is done in conjunction with changes to the rules*
- *the end point for the convergence of Council rents be continued to be looked at on a yearly basis so as to take account of economic situations and to ensure that in any one year tenants do not receive excessive rent increases.'* “

On being put to the vote, the amendment was declared LOST.

The original motion was then put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.⁴

Action Required

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------|----|
| 1. Write to the LGA and City of York MPs as instructed | SC |
| 2. Liaise with the Executive and the Leader re this request and re the provision of progress reports to future Full Council meetings | CB |
| 3. Liaise with the Leader re provision of progress reports to Council on swimming provision | CB |
| 4. Write to the Secretary of State as instructed | SC |

66. QUESTIONS TO THE EXECUTIVE LEADER AND EXECUTIVE MEMBERS RECEIVED UNDER STANDING ORDER 10(C)

Thirteen questions had been submitted to the Executive Leader and Executive Members under Standing Order 10(c). The guillotine having fallen at this point, Members agreed to receive written responses to these questions. The questions and the written responses are set out below:

- (i) To the Executive Leader, from Cllr Aspden:
“What steps are being taken to promote environmentally sustainable job in York?”

Reply

“I have asked for the Chief Executive to convene an “Eco Jobs Task Group” from the Council, York Science City and partners, in particular the Business Forum and Economic Development Partnership to examine how the city can create more locally based jobs based on environmental technology.

I would expect that this group will produce an interim report within six months, with a final report by September 2009 as an update to the Future York report dealing specifically with environmentally based sectors.”

- (ii) To the Executive Member for City Strategy, from Cllr Galvin:
“In the light of the resolution at the Council Meeting of 25th September referring to a link road between Bishophorpe Road and Sim Balk Lane, will the Executive Member please advise Council as to the progress made to date on the first part of the resolution i.e:
‘To aid the development of the Terrys Site, the Council instructs the appropriate officers to develop as a matter of urgency and in a timescale to inform any future planning application, an assessment of the need for, and effectiveness of providing, a Link Road between Bishophorpe Road and Sim Balk Lane to the south side of the A64.’”

Reply

“An assessment of the need and effectiveness of providing a link road in conjunction with LDF issues is currently in preparation. It is anticipated that the report will be completed in order that it may be considered by Members in early Spring. This work includes an assessment of the volume of traffic that would be expected to use such a link together with the land use policy issues, funding and additionally will seek to address the other items relating directly to the regeneration of Terry's including sustainable transport and accessibility.”

- (iii) To the Executive Member for City Strategy, from Cllr Galvin:
“Will the Executive Member also advise as to when the report referred to in the remainder of the resolution will be presented to Council i.e:
‘Officers are therefore instructed to report to the Full Council as soon as possible addressing the potential for funding the Link Road, with a contribution from Developers and other sources.

The report should also indicate how any proposed future development allocated through the LDF process could contribute to the construction costs of such a link road proposal.

Such report also to investigate the possibility of constructing a new junction to the west of London Bridge to facilitate speedy access on to the A64 slip roads.”

Reply

“As for ii above”.

(iv) To the Executive Member for City Strategy, from Cllr Merrett:

“Would the Executive Member for City Strategy outline the progress on implementation of the council's Green Transport Plan and indicate the latest modal split figures compared to the starting base line, including a breakdown of the figures by department?”

Reply

<i>Main Mode</i>	<i>2002 Baseline</i>	<i>2007 Mode Share</i>
<i>Car</i>	<i>31%</i>	<i>19%*</i>
<i>Car Sharing</i>	<i>6%</i>	<i>5% #</i>
<i>Cycle</i>	<i>16.70%</i>	<i>20%</i>
<i>Walk</i>	<i>18.20%</i>	<i>15%</i>
<i>Bus</i>	<i>11.00%</i>	<i>9%</i>
<i>Park & Ride</i>	<i>13.40%</i>	<i>16%</i>
<i>Rail</i>	<i>3.70%</i>	<i>3%</i>
<i>Multi modal~</i>	<i>N/A</i>	<i>14%</i>

** includes pool car*

includes car passengers

~3 or more modes used to get to work

A breakdown of the figures by Department is not available

We continue to operate and maintain a pool bike scheme, offer free cycle training to staff, provide generous discounts on the purchase of cycles through the Cycle to Work salary sacrifice cycle loan scheme and provide paid allowances to staff for cycle use, amongst other initiatives such as the provision of bus season ticket loans and free Park & Ride passes to staff.

New travel plan initiatives over the last year have included:

- *Relaunch of www.carshareyork.com <<http://www.carshareyork.com>> website and associated car sharing promotion to staff in June 2008. This website has a dedicated employer group for council staff through which they can match car journeys.*
- *Internal promotion of the council's new all-operator bus route map published in summer 2008.*
- *Distribution of a new guide to cutting car use and encouraging the use of more sustainable modes of travel, entitled *Are you Carwise in York?*, to all staff in November/December 2007. This was part of a campaign to support the travel plan initiatives of major employers in the city."*

(v) To the Executive Member for City Strategy, from Cllr Merrett:

"Can the Executive Member for City Strategy explain why requests for lighting column repainting in Micklegate Ward going back to at least February 2005, which were part of an extensive list of lighting columns agreed for repainting in September 2007, had still not been completed when this area of responsibility was recently transferred to Neighbourhood Services?"

"The repainting of columns is interlinked with column replacement as it would be poor value for money to repaint a column that is structurally unsound and in need of replacement. As part of our new street lighting term maintenance contract we have a programme for carrying out structural testing of steel street lighting columns. Urgent works arising from this have been organised but detailed assessment of these results is still required to see how extensive the need for further structural replacement may be

Officers will complete the review of the structural testing results for Micklegate Ward and will provide more information for Cllr. Merritt about the works required and the way this relates to repainting of columns by late February. .

New street lighting columns are now pre-painted with a plastic powder coating making them very resistant to weathering and avoiding the need for on site treatments for many years."

(vi) To the Executive Member for City Strategy, from Cllr Merrett:

"Will the Executive Member for City Strategy inform Council what action has been taken since the last Council meeting to re-invigorate the stalled Carbon Management Programme and what steps are being taken to properly resource the need for data analysis to inform the implementation of the programme?"

Reply

"The Carbon Management Programme has not stalled. The pace of progress has been influenced by the Councils ability to fill staffing

vacancies, which in turn has been dependent on the conclusion of the pay and grading review.

A meeting of the Carbon Management Board took place on 5th December. A further meeting is scheduled for later this month and a progress report will be made to the Executive in March

One budget option available of next year could be the appointment of a data analyst. However with budget purse strings drawing ever tighter, it is likely that this work will have to be undertaken by reprioritising the use of existing resources.”

(vii) To the Executive Member for City Strategy, from Cllr Potter:

“Will the Executive Member for City Strategy describe what progress has been made in respect of setting a target to achieve at least a 5% reduction in the Council’s energy consumption over the next 12 months?”

Reply

“A decision on whether to include a specific energy reduction target within next year’s refreshed corporate strategy has yet to be taken. One of the problems with doing so is the relatively large proportion of our total energy consumption which can be attributed to schools, the management of which is dependent on the approach of local governors.

The Carbon Management Strategic Implementation Plan identifies a number of projects /actions which would reduce energy consumption. SALIX funding may enable implementation of these. An update on implementation will be provided to the Executive on 3 March 2009.”

(viii) To the Executive Member for Children & Young People’s Services, from Cllr Merrett:

“Would the Executive Member for Children’s Services explain comments in The Press, attributed to a departmental source, regarding the possible closure of a secondary school on the east side of the city. In doing so, will she outline the actual position on this issue and give assurances and/or advise when and how pupils, parents, staff and the wider community in the area are going to be told about what is actually going on, and outline when they will be involved in a meaningful consultation on any proposals to re-organise education in that part of the city and that they will be presented with genuine options and not a single fait accompli solution?”

Reply

“I am fully aware of the comments in the Press surrounding secondary provision in the East of the City. The speculation generated by the media coverage is, in my view, unhelpful and I share the Director’s confidence that the comments do not originate from local authority offices.

Unfortunately this does not generate constructive public debate but often it generates a debate that is uninformed, premature and potentially unnecessary. It also brings with it considerable anxiety for young people and their parents about the future options for their schooling.

I am also very concerned about the debilitating impact such coverage has on the valued leadership and teaching staff who work in schools in this part of the city. They work hard and are totally dedicated to the city's young people and their education.

As officers have publicly stated there is concern that the two key factors of a changing demographic profile and greater parental choices of schools as numbers fall, has resulted in considerable surplus places in the secondary sector. Schools receive funding totally on the basis of the number of actual students they have on roll. Surplus places therefore, directly reduce the level of funding a school receives and as a consequence the numbers of teaching staff and the breadth of curriculum that a school can therefore provide.

As a responsible local authority, we have a duty to respond to such a scenario and dialogue is taking place between officers of the authority and the leadership and governing bodies of the relevant schools.

I can totally reassure the shadow member and the wider public that if there are any specific proposals arising out of the current dialogue then these will be brought to EMAP for a full open discussion on whether to launch a public consultation – a consultation that would have to be reported back to the Executive Member before any decision making took place.”

- (ix) To the Executive Member for Children & Young People's Services, from Cllr Alexander:

“Can the Executive Member for Children's Services outline what progress is being made with regards to the Myplace bid and whether she is still confident of a successful bid for a major central facility for the City's young people?”

Reply

“Cllr Alexander is up to date and well informed about the progress made by Mr Phil Bixby on the Myplace bid. He was in attendance at the recent meeting of the Young People's Working Group where Mr Bixby presented a report of his findings so far and then answered questions from Members. A bid will be ready by March 31st, despite the fact that the government has not released the deadline for this round of bidding yet. It will be a major central facility meeting the needs and wishes of young people.

Whether that bid will be successful or not will be in the hands of the government - not the council - but I very much hope that the government will realise that York has a great need for such a facility and not treat us as a 'leafy suburb' by rejecting the bid.”

- (x) To the Executive Member for Children & Young People's Services, from Cllr Alexander:

Will the Executive Member for Children and Young People's Services confirm that she supports me in requesting the Chief Executive:

- Ensures that York secondary schools shows the film 'Live Now, Drive Later' to their pupils annually.
- Contacts every Council Leader and Cabinet Member for Children's Services in the country to request that they adopt the 'Live Now, Drive Later' campaign, enclosing a copy of the DVD.”

Reply

“As a lifelong supporter of road safety measures, I am happy to promote the 'Live Now, Drive Later' campaign and associated DVD both to the secondary schools in the city (many of whom have already shown it) and to all other authorities in the country, via a letter from myself and the Chief Executive to Council Leaders and Cabinet Members for Children's Services.”

- (xi) To the Executive Member for Housing & Adult Social Services, from Cllr Horton:

“In respect of the empty property at 17 Almsford Road, Acomb would the Executive Member explain for my benefit and those of adjacent neighbours, without blaming others, her unfulfilled promise given at the last Full Council meeting on 27th November, 2008 "that the property should be available for letting within the next couple of weeks", especially noting that the property was further trashed between Christmas and New Year?”

Reply

“I have not, and cannot, ‘promise’ that private properties will or will not be occupied. I can only pass on the information that the owner of the property has given to the Housing Association which is arranging for it to be let. The only lever that the Council has to influence the situation would be if it chose to withdraw any repair grant offer. Clearly it is a matter of opinion whether this would make it more or less likely that the property would be occupied quickly.”

- (xii) To the Executive Member for Housing & Adult Social Services, from Cllr Simpson-Laing:

“Will the Executive Member for HASS explain how she plans to relaunch the idea of 'living above the shop' as mentioned in the recent 'Affordable Housing Initiatives' paper as a means to providing affordable homes in the city?”

Reply

“The return to use, of empty space above shops, has been supported by the Council for many years. Officers are always seeking opportunities in this area as part of the bid to bring more affordable homes to the city. However it should be noted that not all conversions are likely to gain the necessary planning permission and indeed, as members will know, there was very high profile refusal of such a permission last year.”

- (xiii) To the Executive Member for Leisure, Culture & Social Inclusion, from Cllr Holvey:

“Can the Executive Member give Council an update on the success of the smart meter loan scheme that has been recently introduced into the City's libraries?”

Reply

“The smart meter loan programme has been a great success so far. Within 24 hours of the scheme receiving coverage on Look North earlier this month, all 61 smart meters had been taken out and there was a waiting list to borrow them had grown to over 100.

Since then we have released more funds to purchase a further 125 smart meters to meet the demand.

Following the Look North coverage we also received enquiries from libraries and Local Authorities from across the region who wanted to adopt the scheme.”

Cllr Brian Watson

LORD MAYOR OF YORK

[The meeting started at 6.35 pm and concluded at 10.10 pm]